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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
10  
11 Plaintiff,

Case No. CR09-219-RAJ

12 v.

13 NIKOS DELANO DORSEY,  
14 Defendant.

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on August 4,  
17 2011. The defendant appeared pursuant to a summons issued in this case. The United States  
18 was represented by Marci Ellsworth, and defendant was represented by Jay W. Stansell. Also  
19 present was U.S. Probation Officer Angela McGlynn. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 On March 24, 2004, Nikos Dorsey was sentenced by the Honorable James K. Singleton,  
22 United States District Court Judge in the District of Alaska, to 98 months detention followed by  
23 a 6 year term of supervised release for Possession of Cocaine Base with Intent to Distribute;  
Possession of a Firearm During and in Relation to and in Furtherance of a Federal Drug  
Trafficking Crime; and Possession of a Firearm in a School Zone. On August 10, 2005, the

1 United States Court of Appeals for the Ninth Circuit ordered the judgment in this case be  
2 Affirmed and Remanded for sentencing. Mr. Dorsey was re-sentenced on November 29, 2005,  
3 by the Honorable James K. Singleton, United States District Court Judge in the District of  
4 Alaska. He received 79 months of detention and 6 years of supervised release. On July 2, 2009,  
5 the Western District of Washington accepted jurisdiction from the District of Alaska.

6 On October 21, 2009, a violation report was submitted to the Court advising that Mr. Dorsey  
7 had violated his conditions of supervision by leaving the district without permission. On  
8 October 22, 2009, the Court concurred with the probation officer's recommendation for no  
9 action.

10 On November 2, 2010, a second violation report was submitted to the Court advising that  
11 Mr. Dorsey had violated his conditions of supervision by using cocaine. On November 5, 2010,  
12 the Court concurred with the probation officer's recommendation for no action.

13 On December 10, 2010, a violation report and request for warrant was submitted to the  
14 Court alleging the defendant used cocaine; committed the crime of DUI; failed to notify the  
15 probation officer of law enforcement contact; failed to participate in a substance abuse  
16 evaluation; and failed to report for urinalysis testing. On January 21, 2011, the defendant's term  
17 of supervised release was revoked and he was sentenced to credit for time served (16 days of  
18 detention), followed by 71 months supervised release.

### 19 PRESENTLY ALLEGED VIOLATIONS

20 In a petition dated June 9, 2011, U.S. Probation Officer Angela McGlynn alleged that  
21 defendant violated the following conditions of supervised release:

- 22 1. Using cocaine on or before February 2, 2011, in violation of standard condition 7.
- 23 2. Failing to report for urinalysis testing as directed on 2/9, 2/25, 2/2/8, 3/31, 4/18,

1 5/19, and 6/1/2011, in violation of the special condition that requires the defendant to report for  
2 urinalysis testing as directed.

3 3. Consuming alcohol on or before May 10, 2011, in violation of the special condition  
4 that directs the defendant shall abstain from the use of alcohol and/or other intoxicants during the  
5 term of supervision.

6 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

7 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
8 and was informed the matter would be set for a disposition hearing September 16, 2011 at 1:30  
9 p.m. before District Judge Richard A. Jones.

10 **RECOMMENDED FINDINGS AND CONCLUSIONS**

11 Based upon the foregoing, I recommend the Court find that defendant has violated the  
12 conditions of his supervised release as alleged above, and conduct a disposition hearing.

13 DATED this 5<sup>th</sup> day of August, 2011.

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16 BRIAN A. TSUCHIDA  
17 United States Magistrate Judge  
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